## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	) 8:10CR65				
	Plaintiff,	) 8.10CR03 )				
	vs.	) DETENTION ORDER				
AU	IGUSTIN GOMEZ, JR.,	)				
	Defendant.	<b>,</b>				
A.	Order For Detention After conducting a detention hearing purs Reform Act on March 18, 2010, the Court ord pursuant to 18 U.S.C. § 3142(e) and (i).	uant to 18 U.S.C. § 3142(f) of the Bail lers the above-named defendant detained				
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>					
C.	distribute methamphetan 846 carries a minimum se maximum of life imprise distribute methamphetan U.S.C. § 841(a)(1) each imprisonment. (b) The offense is a crime of (c) The offense involves a na	nd includes the following: e offense charged: to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § entence of ten years imprisonment and a conment; the possession with intent to nine (Counts II and III) in violation of 21 carry a maximum sentence of ten years violence.				
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant is The defendant of ties. Past conduct of to X The defendant h The defendant h	ppears to have a mental condition which ner the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. does not have any significant community.				

## DETENTION ORDER - Page 2

				ne defendant has a prior record of failure to appear at
		(h)		urt proceedings. of the current arrest, the defendant was on:
		(D)		obation
			Pa	arole
				elease pending trial, sentence, appeal or completion of
		<i>(</i> )		ntence.
		(c)	Other Fact	
				ne defendant is an illegal alien and is subject to eportation.
				ne defendant is a legal alien and will be subject to
				portation if convicted.
				ne Bureau of Immigration and Custom Enforcement
				ICE) has placed a detainer with the U.S. Marshal.
			Ot	her:
V	(1)	Tho r	antura and	coriousness of the danger nesed by the defendant's
X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment, the				
				abuse and criminal history, and the commission of
				release in state court.
<u>X</u>	(5)		ttable Pres	
				It the defendant should be detained, the Court also relied
				rebuttable presumption(s) contained in 18 U.S.C. § court finds the defendant has not rebutted:
	X			condition or combination of conditions will reasonably
		_ (a)		appearance of the defendant as required and the safety
				r person and the community because the Court finds that
			the crime in	
			(1)	A crime of violence; or
			$\overline{X}$ (2)	An offense for which the maximum penalty is life
			V (0)	imprisonment or death; or
			<u>X</u> (3)	A controlled substance violation which has a maximum
			(4)	penalty of 10 years or more; or  A felony after the defendant had been convicted of two
			(4	or more prior offenses described in (1) through (3)
				above, and the defendant has a prior conviction for
				one of the crimes mentioned in (1) through (3) above
				which is less than five years old and which was
				committed while the defendant was on pretrial release.
	<u>X</u>	(b)		condition or combination of conditions will reasonably
				appearance of the defendant as required and the safety
			cause to be	munity because the Court finds that there is probable
				) That the defendant has committed a controlled
				substance violation which has a maximum penalty of
				10 years or more.
			(2	) That the defendant has committed an offense under 18
				U.S.C. § 924(c) (uses or carries a firearm during and
				in relation to any crime of violence, including a crime of
				violence, which provides for an enhanced punishment
				if committed by the use of a deadly or dangerous
				weapon or device).

## **DETENTION ORDER - Page 3**

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 18, 2010.

BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge